Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fourth and fifth periodic reports of the Russian Federation*

1. The Committee considered the combined fourth and fifth periodic reports of the Russian Federation (CRC/C/RUS/4-5) at its 1863rd and 1864th meetings (see CRC/C/SR.1863 and 1864), held on 23 and 24 January 2014, and adopted, at its 1875th meeting, held on 31 January 2014, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the combined fourth and fifth periodic reports of the Russian Federation (CRC/C/RUS/4-5) and the written replies to its list of issues (CRC/Q/RUS/4-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation of the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the adoption of the following legislative measures:

(a) Act on amendments to legislative acts of the Russian Federation concerning care for orphaned children and children left without parental care, on 2 July 2013;

(b) Act on amendments to legislative acts of the Russian Federation, aiming at preventing trafficking in children, their exploitation, child prostitution and activities related to production and dissemination of material and objects with pornographic images of minors, on 5 April 2013;

(c) Education Act, on 29 December 2012, which includes a provision on inclusive education for children with disabilities;

* Adopted by the Committee at its sixty-fifth session (13–31 January 2014).

(d) Act on amendments to the legislative acts regulating the provision of accommodation to orphaned children and children without parental care, on 29 February 2012;

(e) Act on amendments to the Criminal Code and other legislative acts of the Russian Federation, which increase punishment for sexual crimes against minors, on 29 February 2012;

(f) Federal Act No. 436 on the protection of children from information threatening to their health and development on 29 December 2010;

(g) The amendments of 17 July 2009 to the Federal Act on Civil Status Records, which addresses the birth registration of children abandoned by their mothers at medical facilities.

4. The Committee also welcomes the ratification of and/or accession to the:

(a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in September 2013;

(b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in September 2008;

(c) Convention on the Rights of Persons with Disabilities, in September 2012;

(d) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in August 2013;

(e) Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, in August 2012;

(f) Convention on the Civil Aspects of International Child Abduction, in July 2011.

5. The Committee also welcomes the following policy measures:

(a) National Children's Strategy for 2012–2017;

(b) Presidential Decree on the measures to implement State policy on the protection of orphaned children and children without parental care, 2012;

(c) Strategy for State Anti-Drug Policy for 2010–2012;

(d) Programme for the Development of Education, focusing on accessibility and quality of preschool education, for 2011–2015.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

The Committee's previous recommendations

6. While welcoming the State party's efforts to implement the Committee's concluding observations of 30 September 2005 (CRC/C/RUS/CO/3) on the State party's third periodic report (CRC/C/125/Add.5), the Committee notes with regret that some of the recommendations contained therein have not been sufficiently addressed.

7. **The Committee urges the State party to take all necessary measures to address those recommendations contained in the previous concluding observations (CRC/C/RUS/CO/3) that have not been implemented or sufficiently implemented and, in particular, it urges the State party to:**

(a) Strengthen its efforts to establish a comprehensive and permanent mechanism within the national statistical system to collect data, disaggregated by sex, age, rural and urban area, nationality and ethnic origin, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with emphasis on those who are particularly vulnerable;

(b) Establish a comprehensive policy with a view to strengthening its efforts to ensure that the provisions and principles of the Convention are widely known and understood by adults and children alike (for example, using radio, television and the Internet), and ensure adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, teachers, health personnel, psychologists, social workers and personnel in childcare institutions;

(c) Make further efforts to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child, including children who are members of vulnerable and minority groups, to participate in the family, at school, in other institutions and bodies and in society at large. That right should also be incorporated in all laws, judicial and administrative decisions, policies and programmes relating to children.

Legislation

8. The Committee welcomes the numerous positive legislative developments in the State party in the areas of preventing violence against children, child trafficking and birth registration. Nevertheless, the Committee is concerned about legislative acts adopted during the period under review that have a negative impact on the rights of children, in particular in the areas of deinstitutionalization, adoption and non-discrimination, among others.

9. **The Committee urges the State party to take all the necessary measures to amend its legislation, in particular in the areas of deinstitutionalization, adoption and non-discrimination, to better reflect the principles and provisions of the Convention. It also urges the State party to ensure that those laws that are already in conformity with the Convention are fully and effectively implemented.**

Comprehensive policy and strategy

10. The Committee is concerned that the National Children's Strategy for 2012–2017 does not cover important issues such as discrimination against children in marginalized and disadvantaged situations, including children from minority groups. The Committee is also concerned that the plan of immediate action to realize priorities and goals under the National Strategy, adopted in 2012 does not provide for concrete measures of implementation but merely repeats the goals of the National Strategy.

11. **The Committee recommends that the State party ensure that the National Children's Strategy includes policies to prevent discrimination against children in marginalized and disadvantaged situations, such as children from minority groups. It also recommends that the plans of action to implement the strategy at both the national and regional levels provide for specific measures, with a clear indication of the roles and responsibilities of the relevant bodies at the national, regional and local levels. The State party must ensure that those plans of action are supported through the provision of the necessary human, technical and financial resources and that systems are in place for monitoring and evaluating them and collecting relevant data.**

Coordination

12. The Committee notes the information provided by the State party that the coordination of activities on children's rights is carried out by various agencies, namely the Government Commission on Minors and their Rights, the Coordination Council attached to the Office of the President and the commissioners for the rights of the child at the federal and regional levels. The Committee is concerned, however, that having several coordination mechanisms may mean that their activities overlap, result in non-compliance with children's rights and complicate the monitoring and evaluation of their activities.

13. **The Committee recommends that the State party take the necessary measures to establish a single mechanism with sufficient authority and adequate human, technical and financial resources to ensure effective coordination of activities on children's rights across all sectors and at the national, regional and local levels.**

Allocation of resources

14. The Committee notes the information provided by the State party that the budget is divided up by sector (department). Nevertheless, it is concerned that there are no targeted budget allocations for children, especially children in disadvantaged situations, such as children of migrant workers, including irregular migrant workers, and children who do not possess permanent residence registration (*propiska*).

15. **In the light of its day of general discussion on the issue of "Resources for the rights of the child – responsibility of States" in 2007 and with emphasis on articles 2–4 and 6 of the Convention, the Committee recommends that the State party:**

(a) Earmark sufficient specifically targeted budget resources for the implementation of the rights of children in marginalized and disadvantaged situations, especially children of migrant workers, including irregular migrant workers, and children who do not possess permanent residence registration (*propiska*); and

(b) Establish an effective system for tracking, monitoring and evaluating the allocation and use of resources for children by all relevant sectors throughout the budget, thus showing clearly the investment on children.

Independent monitoring

16. The Committee notes the establishment of the post of commissioner for children's rights at the federal and regional levels. However, it is deeply concerned that the position of commissioner is directly linked to the Office of the President and not to the Parliament. Furthermore, it is concerned about the non-transparent procedure for appointing commissioners and reports that many of them have little experience in protecting children's rights, do not observe the confidentiality of cases and act rather as law enforcement officials.

17. **The Committee recommends that the State party introduce a transparent and competitive process, regulated by law, for nominations and appointments to all posts of commissioners for children's rights, ensuring that the candidates are selected on the basis of merit and are free from political or other influence and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It also recommends that the State party provide the commissioners' offices with the necessary human, technical and financial resources, and their staff with the necessary training on children's rights.**

Cooperation with civil society

18. The Committee expresses its deep concern at the 2012 Federal Act regarding the regulation of activities of non-commercial organizations performing the function of foreign agents, which requires that organizations receiving financial support from sources outside the State party register and identify themselves publicly as "foreign agents". It also expresses its deep concern at recent amendments to the Criminal Code that expanded the definition of the crime of State treason to include "providing financial, technical, advisory or other assistance to a foreign State or international organization … directed at harming Russia's security" and which are used against organizations working on children's rights.

19. **The Committee urges the State party to repeal its 2012 Act requiring human rights organizations that receive foreign funding to register as "foreign agents", and amend the definition of the crime of treason in the Criminal Code in order to ensure that non-governmental organizations working in the area of human rights and children's rights can operate without any undue pressure.**

Children's rights and the business sector

20. The Committee notes that the State party's legislation provides for compensation to be provided to indigenous persons for damage to the environment by businesses, although no information has been provided about whether claims of indigenous persons for compensation have been met. However, the Committee is concerned that oil- and gas-extracting businesses continue to have a negative impact on the traditional lifestyle of persons belonging to small-numbered indigenous groups, including children, through deforestation and pollution and by endangering the species that are crucial to their livelihoods. The Committee is also concerned about the negative impact on the health of children of the extraction of coal and the production of asbestos, especially those living in the Kemerovo and Ural regions.

21. **The Committee draws the State party's attention to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environmental and other standards, with particular regard to children's rights and in the light of Human Rights Council resolutions 8/7 (para. 4 (d)) and 17/4 (para. 6 (f)). In particular, it urges the State party to:**

(a) Establish a clear regulatory framework for the oil and gas industries and coal-extraction businesses operating in the State party to ensure that their activities do not negatively affect human rights or endanger environmental and other standards, especially those relating to indigenous children's rights;

(b) Curtail the production of asbestos and raise the public's awareness of the toxicity of asbestos and its effect on health;

(c) Provide timely reparation to limit ongoing and future damage to the health and development of the children affected and repair any damage done;

(d) Ensure effective implementation by companies, especially industrial companies, of international and national environmental and health standards, and effective monitoring of the implementation of those standards, and appropriately sanction and provide remedies when violations occur, and ensure that appropriate international certification is sought;

(e) Require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and human rights impacts of their business activities, and their plans to address such impacts;

(f) Be guided by the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, endorsed unanimously in 2011 by the Human Rights Council, when implementing those recommendations.

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

22. The Committee is concerned that no anti-discrimination legislation has been adopted in the State party to date and that no definition of racial discrimination has been legally established. The Committee is also concerned that discrimination continues to be prevalent against children in marginalized and disadvantaged situations, such as children belonging to minority groups, Roma children, the children of migrant workers, the children of stateless persons, girls in the North Caucasus and children who are not registered as permanent residents. The Committee is particularly concerned about the increasing number of children joining nationalist movements which are involved in hate crimes against minority groups.

23. **The Committee urges the State party to adopt a comprehensive anti-discrimination law, including a definition of racial discrimination, and ensure that it covers and criminalizes discrimination on all grounds. In particular, it requests the State party to take urgent measures to prevent discrimination against children in marginalized and disadvantaged situations, including children belonging to minority groups, Roma children, the children of irregular migrant workers, the children of stateless persons, girls in the North Caucasus and children who do not possess permanent residence registration (*propiska*). The Committee urges the State party to take measures to prevent the involvement of children in nationalist movements by educating them on non-discrimination and human rights principles. The Committee further recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention and activities undertaken by the State party in follow-up to the Durban Declaration and Programme of Action, adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.**

24. The Committee is also concerned at the recent legislation of the State party prohibiting "propaganda of unconventional sexual relationships", generally intended protect children, but which encourages the stigmatization of and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, including children, and children from LGBTI families. The Committee is particularly concerned that the vague definitions of propaganda used lead to the targeting and ongoing persecution of the country's LGBTI community, including through abuse and violence, in particular against underage LGBTI-rights activists.

25. **The Committee recommends that the State party repeal its laws prohibiting propaganda of homosexuality and ensure that children who belong to LGBTI groups or children from LGBTI families are not subjected to any forms of discrimination by raising the public's awareness of equality and non-discrimination on the basis of sexual orientation and gender identity.**

Best interests of the child

26. The Committee notes the State party's information that the obligation to take into consideration the interests of the child in all initiatives involving children has been set out in its legislation. However, the Committee is concerned that:

(a) The State party's legislation refers to the "legitimate interests of the child", which is not equivalent in scope to "the best interests of the child";

(b) The State entities for child protection (tutorship and guardianship bodies) assess only the general physical safety of children and do not assess their emotional and psychological needs;

(c) The ongoing "anti-juvenile" campaign reportedly prioritizes the interests of parents over the interests of their children.

27. **The Committee draws the State party's attention to its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and recommends that the State party amend its legislation to better reflect the right established by the Convention. It also recommends that the State party strengthen its efforts to ensure that that right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and in all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration. Such procedures and criteria should be disseminated to the public, including religious leaders, courts of law, administrative authorities and legislative bodies. Furthermore, the Committee recommends that the State party establish a constructive dialogue between pro-juvenile and anti-juvenile groups concerning the State party's international legal obligations, while taking into account the national family traditions.**

C. Civil rights and freedoms (arts. 7, 8 and 13–17 of the Convention)

Birth registration

28. The Committee is seriously concerned about reports that children born to Roma, refugee and asylum-seeking mothers with non-Russian passports or without identity documents are denied birth registration and are issued with only a hospital certificate indicating merely their sex, height and weight. The Committee is concerned that this practice gives rise to a new generation of undocumented persons, whose rights are limited in all areas of life.

29. **The Committee urges the State party to ensure that all children born in its territory, irrespective of the status of their parents, are registered on the same terms as children born to Russian citizens and are issued with a standard birth certificate.**

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)

Torture and other cruel or degrading treatment or punishment

30. The Committee notes the establishment of the Investigation Committee to identify, investigate, prosecute and sanction acts of torture, violence and inhumane or degrading treatment against children. However, it regrets the lack of mechanisms for children themselves to file complaints on acts of ill-treatment. The Committee is, in particular, concerned about:

(a) The widespread ill-treatment by representatives of law enforcement agencies of children in police detention or during pretrial proceedings;

(b) Abuses by the police targeting Roma children, including illegal detentions and searches, especially during the frequent anti-Roma campaigns in the compact Roma settlements all over the country;

(c) Widespread violence and attacks against children of other national minorities, including migrant children, who are identified by their appearance, such as the colour of their skin and the shape of their eyes, and attacks "by association", where the victims are chosen for belonging to certain subcultures easily identified by aspects of their appearance;

(d) The lack of investigations by the law enforcement authorities into reports of violence against the above-mentioned groups, which reinforces the feeling of impunity.

31. **The Committee urges the State party to take immediate measures to:**

(a) Prevent incidents of ill-treatment by conducting independent monitoring and unannounced visits to places of detention and undertaking comprehensive training programmes for security and police personnel, as well as establishing an effective complaints and data collection system for complaints of torture or other forms of ill-treatment of children deprived of their liberty;

(b) Launch prompt and effective investigations into all allegations of ill-treatment and ensure that the perpetrators are prosecuted and punished under the relevant articles of the Criminal Code;

(c) Prevent the abuse and ill-treatment of persons belonging to the Roma community, especially their children, and put an end to anti-Roma raids throughout the country;

(d) Prevent violent attacks against national minorities, migrant workers and persons belonging to subcultures by educating the public, especially young persons, about the principles of human rights and non-discrimination and by reinforcing the prosecutorial authorities' supervision of the law enforcement agencies;

(e) Initiate investigations into all reports of violence and attacks against minority groups and prosecute and punish perpetrators in a way that is proportionate to the gravity of their crime.

Corporal punishment

32. The Committee notes that corporal punishment is unlawful as a sentence for crime and is considered unlawful in schools and penal institutions, but regrets that it is not explicitly prohibited in those settings. The Committee is also concerned that corporal punishment remains lawful in the home and in alternative care settings.

33. **The Committee draws the attention of the State party to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and urges the State party to prohibit by law the use of all forms of corporal punishment in all settings, in particular in the home and in alternative care institutions, and provide for enforcement mechanisms under its legislation, including appropriate sanctions in cases of violations. It further recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive, non-violent and participatory forms of child-rearing and discipline.**

Freedom of the child from all forms of violence

34. **Recalling the recommendations of the United Nations study on violence against children of 2006 (see A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee**

further recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:

(a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;

(b) Adopt a national coordinating framework to address all forms of violence against children;

(c) Pay particular attention to and address the gender dimension of violence;

(d) Cooperate with the Special Representative of the Secretary-General on Violence against Children and other relevant United Nations institutions.

Sexual exploitation and abuse

35. The Committee remains concerned about the large number of cases of sexual exploitation and abuse of children in the State party, and the lack of cooperation between the law enforcement agencies and the social system to prevent such offences or to rehabilitate victims of sexual violence and sexual abuse. The Committee is also concerned about the sexual abuse of children who belong to LGBTI groups because of their sexual orientation and gender identity.

36. **The Committee recommends that the State party establish interdepartmental cooperation at the federal, regional and local levels, in particular between law enforcement agencies and social services structures in order to prevent the sexual exploitation and abuse of children and to provide timely and effective rehabilitation to victims of such crimes. The Committee also recommends that the State party take urgent measures to investigate all information relating to the sexual abuse of children, including LGBTI children, and prosecute and punish the perpetrators of such crimes under the relevant provisions of the Criminal Code.**

Harmful practices

37. The Committee is concerned about the reports of violence against women and girls in the North Caucasus, including the so-called "honour killings" and "bride kidnapping", as well as about the persistence of child marriages of girls and polygamy in that region.

38. **The Committee recommends that the State party take all the necessary measures to:**

(a) Ensure that acts of violence against women and girls, including "honour killings" and "bride kidnappings" in the North Caucasus, are promptly, impartially and effectively investigated, that all those responsible for such abuses are held accountable, prosecuted and sanctioned, and that victims of such abuses obtain redress;

(b) Prevent child marriages of girls in the region by developing and undertaking comprehensive awareness-raising programmes on the negative implications of child marriage for the girl child's rights to health, education and development, targeting in particular traditional and religious leaders, parents and local parliamentarians, as well as by prohibiting by law the withdrawal of children from school because of marriage;

(c) Take legal, administrative and educational measures to discourage polygamy, which can have adverse effects on children.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20–21, 25, 27 (4) of the Convention)

Children deprived of a family environment

39. The Committee notes the system of financial incentives introduced in the State party in order to promote the placement of children in foster families. However, the Committee is concerned that:

(a) The Federal Act No. 48 of 24 April 2008 on Tutorship and Guardianship has led to the suspension of the deinstitutionalization process;

(b) The placement of children in institutions is not reviewed regularly. The child protection (guardianship) bodies are responsible only for formal monitoring of such placements, merely assessing accommodation, food and sanitary conditions;

(c) The adoption of the draft law on independent public inspections of children's institutions has been significantly delayed;

(d) The number of children with special needs placed in foster families remains low;

(e) Foster families often lack training in child-rearing and sometimes abuse the children entrusted to their care;

(f) Children in care institutions are subjected to abuse, including sexual abuse, and no assistance is given to the child victims of that abuse;

(g) Children in care institutions who misbehave are often punished with psychiatric hospitalization and treatment.

40. **Recalling the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) Resume the deinstitutionalization process and ensure that children are placed in institutional care only as a last resort;

(b) Ensure that adequate safeguards and clear criteria based on the needs and best interests of the child are used to determine whether a child should be placed in institutional care; establish clear guidelines and criteria on deprivation of parental rights; and carry out review and regular monitoring of all placements in care institutions;

(c) Accelerate the adoption of the draft law on independent public inspections of children's institutions and establish a rigorous system for monitoring services provided by care institutions;

(d) Ensure sufficient alternative family- and community-based care options for children deprived of a family environment, in particular for children with special needs;

(e) Provide systematic training in child-rearing for foster families and monitor the conditions of children in those families regularly;

(f) Initiate an investigation into all cases of abuse of children in care institutions; ensure that the perpetrators are prosecuted and punished accordingly; and ensure the necessary psychological and physical rehabilitation for victims of such abuse;

(g) Take urgent measures to prevent children being hospitalized in psychiatric institutions as a punishment for misbehaviour, and launch a prompt investigation into any cases of that practice.

Forced separation of children from their parents

41. The Committee is seriously concerned about the widespread practice of children being forcibly separated from their parents in application of articles 69 and 73 of the Family Code, and the lack of support and assistance to reunite families. The Committee is also concerned that Roma mothers are often separated from their children immediately upon discharge from the hospital after the birth because they lack the necessary documentation and that the children are returned only for a large sum of money that most Roma cannot afford. Furthermore, the Committee is concerned that children who are forcibly separated from their parents are then placed in care institutions and/or put up for adoption.

42. **The Committee strongly recommends that the State party:**

(a) Stop the practice of forced separation of mothers from their children and establish strict monitoring of the application of articles 69 and 73 of the Family Code and increase its social services to provide support and assistance for keeping families together;

(b) Cease the practice of separating children from Roma mothers owing to lack of necessary documentation;

(c) Ensure that children are separated from their parents as a measure of last resort and only in exceptional cases following a decision by a court on deprivation of parental rights.

Adoption

43. The Committee notes that, under the Family Code, adoption is considered a priority form of placement for children who have remained without parental care. It also notes the State party's information that a considerable number of children with disabilities have been adopted by Russian families. However, the Committee is seriously concerned that:

(a) The number of children with disabilities adopted is nevertheless insufficient, owing to persistent stigmatization of those children in society. Furthermore, the requirement that a child should be refused by at least five Russian families before an intercountry adoption can be considered reduces the possibility of such an adoption for children with disabilities;

(b) The Dima Yakovlev Federal Act of 28 December 2012, which bans adoptions from the Russian Federation to the United States of America, has eliminated the prospect of adoption for a considerable number of children, in particular children with disabilities in care institutions;

(c) A child's consent to his or her adoption may not be required if that child has been living with the prospective adopters and believes that they are his or her parents.

44. **The Committee recommends that the State party establish effective mechanisms aimed at facilitating the adoption process by removing unnecessary barriers, but at the same time ensuring proper screening of families where children are to be adopted. In particular, it recommends that the State party:**

(a) Educate the public and raise awareness in order to remove the stigma associated with persons with disabilities, with the further aim of encouraging the adoption of children with disabilities by Russian families. The requirement that a child should be refused by at least five Russian families before an intercountry

adoption is possible should be reconsidered in relation to children with disabilities in order to increase their chances of living in a family environment;

(b) Ensure that the right of children to a family environment is not compromised by the political agenda of the State party and ensure that both intercountry and national adoption of children is considered on a case-by-case basis with proper screening of prospective families. The State party should establish a working relationship with the social structures of host countries to be able to better monitor the situation of Russian children adopted elsewhere;

(c) Ensure that children are informed, especially about their origins, consulted and supported throughout the adoption process, depending on their age and maturity;

(d) Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

Abuse and neglect

45. The Committee is concerned about the existence of baby boxes that allow for the anonymous abandonment of children in several regions of the State party, which is in violation of, inter alia, articles 6 to 9 and 19 of the Convention.

46. **The Committee strongly urges the State party to undertake all the measures necessary to not allow baby boxes and to promote alternatives, taking into full account the duty to fully comply with all provisions of the Convention. Furthermore, the Committee urges the State party to increase its efforts to address the root causes that lead to the abandonment of infants, including by providing family planning services and adequate counselling and social support for unplanned pregnancies and the prevention of high-risk pregnancies.**

Children of incarcerated parents

47. The Committee notes that children under the age of 4 who are placed in baby homes in the grounds of prisons can be visited by their mothers outside working hours, but it is concerned that no measures have been taken to adapt special wings in prisons where those children can live with their mothers. The Committee regrets that no information was provided by the State party as to whether the judiciary or prison services consider the placement of parents in institutions where children can assume their visiting rights or whether children are financially or otherwise assisted in that regard.

48. **The Committee recommends that the State party give due consideration to the circumstances in which the best interests of the child may be better fulfilled by living with the incarcerated parent. In doing so, due consideration to the overall conditions of the prison context and the particular need for parent-child contact during early childhood should be taken into full account, with the option of judicial review and with full consideration for the best interests of the child. Furthermore, the Committee urges the State party to ensure that, in the sentencing of parents and primary caregivers, non-custodial sentences are handed down, wherever possible, in lieu of custodial sentences, including in the pretrial and trial phases.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33 of the Convention)

Children with disabilities

49. The Committee notes the new law laying the foundations of social services, which allows for social services to be provided to families with children with disabilities free of charge and mostly in the place of their residence (at home). The Committee also notes the legislative changes aimed at ensuring the inclusive education of children with disabilities in mainstream schools. However, the Committee is concerned at:

(a) The widespread institutionalization of children with disabilities owing to the established stigma associated with such children in the society and the absence of comprehensive social, psychological, medical, educational or legal assistance for families with children with disabilities;

(b) The practice of diagnosing children with mild developmental problems as having profound mental disabilities by boards of psychological, medical and educational specialists and medicating them, instead of providing other forms of therapy;

(c) Children in special institutions for children with mental disabilities being considered "unteachable" and denied any kind of stimulation for their development;

(d) The lack of appropriately qualified personnel in care institutions for children with disabilities and poor living conditions in such institutions, with overcrowded rooms which deprive children of personal space;

(e) The low percentage of children with disabilities in mainstream schools, despite the new Education Act that provides for inclusive education.

50. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to ensure the conformity of its legislation, policies and practices with, inter alia, articles 23 and 27 of the Convention, with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party take all the necessary measures to:**

(a) Prevent mass institutionalization of children with disabilities and ensure sufficient alternative family- and community-based care options for children with disabilities deprived of a family environment, by educating the public and providing all the necessary support to families with children with disabilities;

(b) Employ independent medical experts to monitor and review the diagnosis of children with mental disabilities, especially children without family care, and their placement in special care institutions by boards of psychological, medical and educational specialists;

(c) Provide education and developmental activities to children with mental disabilities on a regular basis and stop the practice of categorizing children as "unteachable";

(d) Provide the staff of care institutions for children with disabilities with necessary training and ensure that such institutions provide all the necessary services and appropriate living conditions for children with disabilities, in the absence of other family-based care options;

(e) Expedite the implementation of its legal provisions on inclusive education by training teachers, providing schools with the necessary equipment and sensitizing the school personnel, children and the public in general to the rights of

children with disabilities, with special attention given to children with mental disabilities.

Health and health services

51. The Committee is concerned about the increasing number of children with chronic pathologies and disabilities, especially among children without parental care and children in difficult situations, as recognized by the State party in its report (CRC/C/RUS/4-5, paras. 163 and 164). It is also concerned about the frequent occurrence of malnourishment, especially among children of migrant workers, and the significant obstacles faced by such children and asylum-seeking children in obtaining medical assistance, including preventive health care and emergency assistance.

52. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and recommends that the State party take measures to regularly assess the health conditions of children deprived of parental care and children in difficult situations in order to prevent irreparable damage to their health. The Committee also recommends that the State party take measures to provide all children, irrespective of their legal status in the country, with access to medical assistance, in particular preventive health care and emergency assistance, without any discrimination.**

HIV/AIDS

53. The Committee notes the efforts taken by the State party to prevent mother-to-child transmission of HIV/AIDS. However, the Committee is concerned that such efforts are geographically decentralized under Federal Act No. 122 of 2004, leading to a significant disparity between different regions of the State party in providing breast-milk substitutes and antiretroviral drugs. In addition, the Committee is concerned that migrant workers, including pregnant women, are mostly deprived of the necessary preventive therapy and assistance.

54. **The Committee recommends that the State party take all the necessary measures to prevent mother-to-child transmission of HIV/AIDS throughout the country by providing a sufficient amount of breast-milk substitutes and antiretroviral drugs in all regions, using, inter alia, mobile medical personnel. It also recommends that the State party provide preventive therapy and assistance to all persons, irrespective of their legal status in the country.**

Adolescent health

55. The Committee is concerned at the high incidence of suicide and of drug and alcohol addiction among adolescents in the State party. The Committee is also concerned about the reports of coercive treatment of transsexual and homosexual persons, in particular children, and an attempt to diagnose transsexuality as psychiatric disease, as well as the lack of sexual health information for LGBTI children.

56. **The Committee recommends that the State party**

(a) Take urgent action to strengthen its efforts to prevent suicide among children and young persons, including by increasing the psychological counselling services available and the number of social workers in schools and communities, and ensure that all professionals working with children are adequately trained to identify and address early suicidal tendencies and mental-health problems;

(b) Take measures to prevent drug and alcohol abuse among children by providing them with information about the negative health consequences thereof;

(c) Put an end to the coercive treatment of transsexual and homosexual persons, in particular children, and to attempts to diagnose transsexuality as a psychiatric disease, and provide LGBTI children with easy access to necessary sexual health information.

Standard of living

57. The Committee welcomes the system of social contracts (social adaptation agreements) introduced in 2007, which provides targeted social assistance to disadvantaged families. Nevertheless, the Committee regrets that many Roma children and children of migrant workers who grow up and live in an environment that does not meet adequate standards of living are still not covered by such programmes. It is also concerned that migrant workers often work seven days a week, plus overtime, thus depriving their children of parental attention. Furthermore, the Committee is concerned that article 292 of the Civil Code and article 31 of the Housing Code, which regulate divorce, do not provide adequate protection to children of divorcing parents to prevent them from becoming homeless.

58. **The Committee urges the State party to guarantee an adequate and sustainable standard of living for all children within its territory, with particular focus on children in the most marginalized and disadvantaged situations, such as Roma children and children of migrant workers, including irregular migrant workers, by providing them with appropriate accommodation, access to social and health services and benefits, nutrition and education. The Committee also recommends that the State party take measures to ensure that employers respect the rights of migrant workers and enforce the working hours established by law. Furthermore, the Committee recommends that the State party amend its legislation to ensure that the best interests of the child are always taken as a primary consideration in cases of the divorce or separation of parents, in order to protect children from the adverse effects of the divorce or separation of parents, especially on their right to housing.**

G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

59. The Committee welcomes the fact that the age of compulsory education was raised from 15 to 18 years of age in September 2007. However, the Committee is concerned that the benefits of free and compulsory education do not extend to all children in the country. In particular, it is concerned about:

(a) The widespread discrimination against migrant children and asylum-seeking children in the process of admission into schools, and regular visits of representatives of school administrations to the homes of migrant pupils in order to report on their migration status;

(b) The new draft law presented to the Duma which stipulates non-admission of children of migrant workers who are not registered as taxpayers into schools and preschool establishments;

(c) The obligation for children of migrant workers to renew their permit of stay every 90 days by leaving the country, regardless of the length of their parents' legal stay, thus interrupting their education;

(d) Segregation of Roma children in schools and the low level of primary education among such children, which limits their access to secondary education;

(e) Violence and bullying in schools against children who belong to LGBTI groups.

60. **Taking into account its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) Ensure that all children, including minority children, children of irregular migrant workers and asylum-seeking children in the territory of the State party have access to free and compulsory education up to the age of 18 years without any discrimination;

(b) Prevent discriminatory initiatives against children of migrant workers, including the new draft law on non-admission of children of migrant workers without a tax certificate;

(c) Abolish the rule that residence permits must be renewed every 90 days for children of migrant workers and ensure that those children are allowed to stay and study in schools for the duration of the residence permit of their parents;

(d) Put an end to the segregation of Roma children and provide them with equal access to quality education both in primary and secondary schools, by providing special preparatory classes, if required;

(e) Take urgent measures to prevent the bullying of LGBTI children in schools by educating children and school staff and punishing the perpetrators.

H. Other special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40, of the Convention)

Asylum-seeking and refugee children

61. The Committee is concerned that the Federal Refugees Act of 1997 adds grounds for rejecting asylum applications to the criteria established by the Convention relating to the Status of Refugees and does not contain any specific safeguards against refoulement of a person, including a child, to another State where there are substantial grounds for believing that his or her life or freedoms would be in danger. Neither does the Act provide for child- or gender-sensitive asylum procedures for unaccompanied and separated asylum-seeking children.

62. **The Committee recommends that the State party amend the Federal Refugees Act to comply with the Convention relating to the Status of Refugees and ensure that it does not impose additional criteria for being accepted as a refugee in the country. It also urges the State party to establish safeguards against the refoulement of children where there are substantial grounds for believing that their life or freedoms would be in danger and establish child- and gender-sensitive procedures for unaccompanied and separated children.**

Children belonging to indigenous groups

63. The Committee is deeply concerned that, according to reports, the native languages of some indigenous groups are never used as a language of instruction in schools and are reduced to the status of a minor subject. It is also concerned that indigenous groups, including their children, have been severely affected by the poor state of health care in remote villages and that the increase in certain types of disease among such children is due to the lack of sufficient access to the traditional Northern diet adapted to the "Northern type" of metabolism, which is replaced by Western-style food rich in carbohydrates and sugar.

64. **In the light of its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State party take all the necessary measures to preserve the cultural and linguistic identity and heritage of indigenous children by ensuring that they receive basic education in their native language to the extent possible. The Committee urges the State party to improve its health-care facilities and services in remote villages of indigenous groups and facilitate the traditional way of life of those groups, including by ensuring access to the traditional diet.**

Economic exploitation, including child labour

65. The Committee shares the concerns raised by the Committee on Economic, Social and Cultural Rights in its 2011 concluding observations on the fifth periodic report of the Russian Federation submitted to it (E/C.12/RUS/CO/5) that large numbers of children live and work on the streets, where they are vulnerable to abuse, including sexual abuse, and to other forms of exploitation to such an extent that regular school attendance is severely restricted.

66. **The Committee recommends that the State party take all the necessary measures to ensure the protection of children from social and economic exploitation and, in particular, urges the State party to, inter alia:**

(a) Take effective measures to address the root causes of the phenomenon of children in street situations;

(b) Take effective and appropriate measures to ensure that children in street situations have access to education, shelter and health care;

(c) Address the sexual abuse and other exploitation of children in street situations through the prosecution of perpetrators of abuse and the reintegration of victims into society.

Sale, trafficking and abduction

67. The Committee notes and shares the concern raised by the Committee on Elimination of Discrimination against Women in its concluding observations on the combined sixth and seventh periodic reports of the Russian Federation submitted to it (CEDAW/C/RUS/CO/7, para. 26) in 2010 that the State party is a source, transit and destination country for trafficking for forced labour and sex trafficking. The Committee is also concerned about the lack of sufficient measures to address the root causes of trafficking in the country and the lack of special legislative and other measures for the protection of women and girls from recruitment agencies engaging in trafficking in persons and from marriage agencies specializing in marriage with foreign citizens.

68. **The Committee urges the State party to:**

(a) Enact specific domestic legislation and a comprehensive policy and action plan on the phenomenon of trafficking, to ensure that perpetrators are punished and victims adequately protected and assisted;

(b) Increase its efforts aimed at international, regional and bilateral cooperation with countries of origin, transit and destination through information exchange in order to prevent trafficking, and to harmonize legal procedures aimed at the prosecution of traffickers; and

(c) Conduct comparative studies on trafficking and address its root causes in order to eliminate the vulnerability of girls and women to traffickers and to undertake efforts for the recovery and social integration of the victims.

Administration of juvenile justice

69. The Committee welcomes the significant drop in the number of children sentenced to deprivation of liberty in the past several years. However, it is concerned about:

(a) The lengthy delays in the adoption of laws establishing juvenile courts with specialized staff;

(b) Frequent unlawful detention of children by law enforcement agencies in circumstances where there is no apparent illicit behaviour on the children's part;

(c) The amendments to the Penal Enforcement Code in 2008, which lowered the age of adulthood from 21 to 19 for convicts in juvenile correctional facilities (Federal Act No. 261 of 22 December 2008) and the lack of information on the separation of children from adults during police detention;

(d) The lack of rehabilitation and reintegration programmes for children in conflict with the law, after their release from closed institutions.

70. **The Committee urges the State party to establish a juvenile justice system in full compliance with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee recommends that the State party:**

(a) Expedite the adoption of the laws establishing a juvenile justice system, including juvenile courts with specialized staff and a restorative justice approach, to follow up on the positive decrease in the number of children sentenced to deprivation of liberty;

(b) Prevent the unlawful detention of children and ensure that legal safeguards are guaranteed for children detained;

(c) Ensure that children who reach the age of majority while in detention can stay in institutions for juvenile offenders until they reach their mid-twenties as a rule;

(d) Develop comprehensive rehabilitation and reintegration measures for all children in conflict with the law.

In doing so, the State party should make use, if relevant, of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

Child victims and witnesses of crimes

71. **The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims of and/or witnesses to crimes are provided with the protection required by the Convention and that the State party take fully into account the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.**

I. Ratification of international human rights instruments

72. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.**

J. Cooperation with regional and international bodies

73. **The Committee recommends that the State party cooperate with the Council of Europe with a view to the implementation of the Convention and other human rights instruments, both in the State party and in other member States of the Council.**

K. Follow-up and dissemination

74. **The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to the Head of State, the Duma, relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.**

75. **The Committee further recommends that the combined fourth to fifth periodic reports and written replies by the State party and the present concluding observations be made widely available in Russian and in the minority languages of the country, including through the Internet, to the public at large, civil society organizations, the media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.**

L. Next report

76. **The Committee invites the State party to submit its combined sixth and seventh periodic reports by 14 September 2019 and to include therein information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for the purpose of its consideration by the treaty body cannot be guaranteed.**

77. **The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I).**